

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re:

LAWRENCE HENDERSON THOMAS,
DEBTOR.

CHAPTER 13
CASE NO. 21-30247-KLP

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

NOTICE

YOUR RIGHTS MAY BE AFFECTED. YOU THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WISH THE COURT TO SUSTAIN THE OBJECTION SOUGHT HEREIN, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE OBJECTION, THEN YOU MUST ATTEND THE HEARING ON THIS MATTER. OTHERWISE, THE COURT MAY DEEM OPPOSITION WAIVED, TREAT THE OBJECTION AS CONCEDED, AND ISSUE AN ORDER SUSTAINING THE OBJECTION WITHOUT FURTHER NOTICE OR HEARING.

THE HEARING IS SCHEDULED TO BE HELD ON March 24, 2021 AT 9:10 AM AT THE U.S. BANKRUPTCY COURT, 701 E. BROAD ST, RM. 5100, RICHMOND, VA 23219.

COMES NOW, Chanell Gaines Thomas ("Secured Creditor"), and objects to the confirmation of the Chapter 13 Plan (the "Plan") and in support thereof, represents unto the Court:

1. Secured Creditor has a validly perfected Property Settlement Agreement related to Joint Internal Revenue Service (IRS) tax debt for Tax Year 2012, 2013, and 2014 pursuant to a valid Property Settlement Agreement dated May 18, 2018.
2. The Proof of Claim (Claim# 6) filed on March 9, 2021 by this Secured Creditor establishes a total debt of \$5,074.39 including pre-petition interest and penalties at 3 percent.
3. The Plan dramatically understates the amount owed to Secured Creditor, listing as \$500.00 in section 3B. Secured Creditor hereby objects to any part of the Plan that impermissibly attempts to modify this Secured Creditor's claim. Pursuant to Section §523 (a) (5) of the Bankruptcy Code.

4. The Plan does not provide the Secured Creditor with an appropriate interest rate based on the internal Revenue Service's current rate of 3 percent. The Plan proposes an interest rate of 3 percent.

Secured Creditor objects and asserts that the Plan must provide for the total amount of the claim and an interest rate of 3 percent.

5. Any Chapter 13 Plan proposed by the Debtor must provide for and eliminate the objections specified above in order to be feasible and to provide adequate protection to this Secured Creditor. It is respectfully requested that this Court deny confirmation of the Plan.

WHEREFORE, the undersigned requests as follows:

1. That confirmation of the proposed Plan be denied;
2. Debtor be required to modify the Plan to honor the terms and conditions of the Property Settlement Agreement; and
3. For such other relief as this Court deems proper.

Chanell Gaines Thomas

By: **CHANELL GAINES THOMAS**

3827 Ruslander Court

Richmond, VA 23223

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CERTIFICATE OF SERVICE

I certify that on March 10, 2021, the foregoing Objection was served via CM/ECF on Carl M. Bates, Trustee, and James E. Kane, Counsel for Debtor, at the email address registered with the Court, and that a true copy was mailed via first class mail, postage prepaid, to Lawrence Henderson Thomas, Debtor, 2501 Byron Street, Richmond, VA 23223.

CHANELL GAINES THOMAS